

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:10CR3114
)
v.)
)
GILBERT AL ONTIVEROS,) MEMORANDUM AND ORDER
)
Defendant.))

The defendant has moved to continue the pretrial motion deadline currently set for December 22, 2010. Filing No. 16. Defense counsel explains additional time is needed to review the voluminous discovery in this case. The government does not oppose the requested continuance. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 16), is granted and the defendant's pretrial motions and briefs shall be filed on or before January 21, 2011.
- 2) The ends of justice will be served by granting defendant's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and January 21, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) The trial of this case is continued pending resolution of any pretrial motions filed.

December 22, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate